

Order

Michigan Supreme Court
Lansing, Michigan

May 4, 2007

Clifford W. Taylor,
Chief Justice

132250 (17)(18)

Michael F. Cavanagh
Elizabeth A. Weaver
Marilyn Kelly
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 132250
COA: 268628
Wayne CC: 98-005154

ROY BLACKMON,
Defendant-Appellant.

On order of the Court, the motion for immediate consideration is GRANTED. The motion for reconsideration or clarification of this Court's April 4, 2007 order is considered, and it is GRANTED. We VACATE our order dated April 4, 2007. On reconsideration, the application for leave to appeal the September 15, 2006 order of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we REMAND this case to the Court of Appeals for consideration as on leave granted. The Court of Appeals shall include among the issues to be considered: (1) whether the error that occurred is constitutional in nature; (2) whether the Court of Appeals, on direct appeal, therefore erred in failing to apply the "harmless beyond a reasonable doubt" standard that is applied to preserved federal constitutional error, *Chapman v California*, 386 US 18; 87 S Ct 824; 17 L Ed 2d 705 (1967); (3) if so, whether the errors committed at trial were harmless beyond a reasonable doubt; (4) whether defendant has shown good cause for failing to raise these issues on direct appeal; and (5) if so, whether defendant has shown actual prejudice and is therefore entitled to postappeal relief under MCR 6.508(D)(3).

We do not retain jurisdiction.



d0501

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

May 4, 2007

Corbin R. Davis

Clerk